

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:22-cv-276-D

NORTH CAROLINA GREEN PARTY, et al.,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS, et al.,

Defendants.

**JOINT STATUS REPORT IN  
RESPONSE TO COURT ORDER**

**[D.E. 55]**

**NOW COME** Defendants Damon Circosta, Stella Anderson, Jeff Carmon, III, Stacy Eggers, IV, Tommy Tucker, and Karen Brinson Bell (“Defendants” or “State Board”), through undersigned counsel, jointly with Plaintiffs, the North Carolina Green Party, Anthony Ndege, Michael Trudeau, Matthew Hoh, Samantha Worrell, Samantha Spence, K. Ryan Parker, and Aaron Mohammed (“Plaintiffs” or “NCGP”), to provide this joint status report in response to the Court’s August 1, 2022 Order. [D.E. 55].

**Plaintiffs’ Position**

1. Plaintiffs are prepared to appear at the hearing the Court set for August 8, 2022 to argue in favor of the relief requested in their Emergency Motion for Preliminary Injunction. [D.E. 28.]

2. In the event that the Court enters an Order granting Plaintiffs the injunctive relief that Plaintiffs request from N.C. GEN. STAT. § 163-98 prior to the scheduled hearing, Plaintiffs at this time do not believe it necessary for the Court to hold the hearing, unless it would be helpful to the Court.

3. As Plaintiffs have advised the Court, [D.E. 60, 60-1], on August 2, 2022, the North Carolina Democratic Party filed suit in the Superior Court of Wake County, North Carolina. In that case, the North Carolina Democratic Party requests that the Court enter an order that “[p]rohibit[s] NCSBE from recognizing NCGP as a new political party....”

4. Should a state court enter an order granting the North Carolina Democratic Party the relief it requests, such an order would render any relief this Court may grant from N.C. GEN. STAT. § 163-98 insufficient to ensure the inclusion of NCGP’s candidates on North Carolina’s November 8, 2022 general election ballot. Plaintiffs therefore request that this Court retain jurisdiction over this matter to enforce the terms of any order it may enter, and to grant such further and additional relief that the Court deems appropriate.

#### **Defendants’ Position**

5. The State Board does not consent to jurisdiction and does not concede the jurisdictional arguments contained within its Response to Plaintiffs’ Motion for Preliminary Injunction. [D.E. 51, pp. 16-21]. The State Board opposes any order that concludes that this federal court has jurisdiction over this purely state law claim.

6. However, based on this Court’s August 1, 2022 Order (D.E. 55) directing the parties to submit proposed orders regarding the remaining relief, Defendants understand that the Court has concluded it has jurisdiction to enter such an order.

7. To the extent that jurisdiction remains unresolved, and the Court would be aided by further argument by the parties, Defendants are prepared to appear for the August 8, 2022 hearing.

8. If the Court has concluded it has jurisdiction, Defendants do not believe the Court needs to hold a hearing on August 8, 2022.

9. Pursuant to the Court’s directive, Defendants are submitting a proposed order

contemporaneously herewith. If the Court has concluded it has jurisdiction notwithstanding Defendants' continuing objection to that conclusion, which Defendants intend to preserve, it is respectfully requested that the Court enter this proposed Order as it addresses additional procedural and administrative concerns for this matter and for the State Board.

Respectfully submitted this the 3<sup>rd</sup> day of August, 2022.

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